D.   REMARKS

Status of the Claims

Claims 1-20 are currently present in the Application, and claims 1, 8, and 15 are independent claims. Claims 1-2, 4-9, and 11-20 have been amended, no claims have been cancelled, and no claims have been added.

Examiner Interview

Applicants wish to thank the Examiner for the courtesy extended to Applicants' representatives during a telephone interview on November 10, 2005. During the interview, Applicants' representatives and the Examiner discussed the drawing objections under 37 CFR 1.84, the rejections under 35 U.S.C. § 101, and the rejections under 35 U.S.C. § 112. Applicants' representatives indicated that the drawings would be amended to enhance particular lines and remove shading details. In addition, Applicants' representatives indicated that the method claims would be amended to further clarify technological aspects of the claims.

Applicants' representatives further explained that Rabianski (discussed in detail below) does not teach or suggest particular limitations of Applicants' invention, and that Applicants' representatives intend to amend the independent claims in order for the independent claims to read over Rabianski. No agreement was reached regarding the claims.

Objections to Drawings

The drawings are objected to because they fail to comply with 37 CFR 1.84. Applicants have amended Figures 1 and 6 to enhance particular lines and remove shading details. Replacement sheets to Figures 1 and 6 are included in this

response, and Applicants request removal of the objections to Applicants' drawings.

Objections to the Specification

The specification is objected to because of particular informalities. Applicants have amended the specification in this response to correct the informalities, and request removal of the objections to Applicants' specification.

Claim Rejections Under 35 U.S.C. § 101

Claims 1-7 and 15-20 stand rejected under 35 U.S.C. § 101 because the claimed invention is alleged to be directed to nonstatutory subject matter. Applicants respectfully traverse these rejections.

The Office Action states that claims 1-7 are not within the technological arts and do not include a result. As discussed with the Examiner, Applicants have amended claims 1-7 to include "computer-implemented" in the preamble, and added other computer-related phrases as applicable to the claim elements in order to ensure that claims 1-7 are within the technological arts. In addition, Applicants have amended claim 1 to include a useful, concrete, and tangible result, which is "selecting a data source vendor corresponding to the data source in response to the analyzing." Claims 2-7 are dependent upon claim 1 and, therefore, claims 2-7 include a useful, concrete, and tangible result as well. Therefore, since claims 1-7 as amended are statutory, Applicants request removal of the 101 rejection to claims 1-7.

Regarding claims 15-20, Applicants have amended the preamble to claim 15 to include "A computer program product stored on a computer operable media, the computer operable media

containing instructions for execution by a computer, which, when executed by the computer, cause the computer to implement a method for selecting a data source vendor…" Applicants have also amended claims 16-20 to include "The computer program product of claim 15 wherein the method further includes." As amended, claims 15-20 are directed to statutory subject matter and, therefore, Applicants request removal of the 101 rejection to these claims.

Claim Objections Under 35 U.S.C. § 112

Claims 12 and 15-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Claim 12 stands rejected because it lacks antecedent basis. Applicants have amended claim 12 to depend upon claim 11 that includes "a first bias value," which provides antecedent basis to claim 12. Therefore, Applicants request removal of the 112 rejection to claim 12.

Claim 19 stands rejected because it lacks antecedent basis. Applicants have amended claim 19 to depend upon claim 18 that includes "a first bias value," which provides antecedent basis to claim 19. Therefore, Applicants request removal of the 112 rejection to claim 19.

As discussed above, the preambles to claims 15-20 have been amended. The amendments point out and distinctly claim Applicants' invention, and therefore, Applicants request removal of the 112 rejection to claims 15-20.

Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 102

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rabianski (article, "The Accuracy of

Economic/Demographic Projections Made by Private Vendors of Secondary Data," hereinafter "Rabianski"). Applicants respectfully traverse these rejections.

As discussed with the Examiner, Applicants have amended the independent claims to include particular limitations that read over the art of record. As amended, Applicants' independent claims include the limitations of:

- determining that the data source is not a subset of a reference file;
- in response to determining that the data source is not a subset of the reference file, retrieving, from a nonvolatile storage area, a sample quantity of household records included in the data source, wherein the sample quantity of household records does not include all of the plurality of household records included in the data source;
- comparing each household record included in the sample quantity of household records to the reference file;
- determining, based upon the comparing, whether the data source is balanced, signifying that the sample quantity of household records represents the data source; and
- adjusting, based upon determining whether the data source is balanced, the sample quantity of household records such that the adjusted sample quantity of household records is balanced and represents the data source.

Particular differences between Applicants' invention and Rabianski are that Applicants:

1) determine whether a source file is a subset of a reference file,

2) retrieve a **sample quantity** of household records included in the data source to analyze, and

3) determine whether the sample quantity is balanced relative to the data source as a whole, and adjust the sample size accordingly.

Regarding the first difference noted above, Applicants' claim "determining that the data source is not a subset of a reference file." In contrast, after reviewing Rabianski further, Rabianski's source file is not a subset of the reference file, but rather the reference file is a subset of the source file. Rabianski discloses "establish[ing] ARC data for population and households **as a standard** against which SMM data can be judged" (para. 8, emphasis added). Therefore, Rabianski uses ARC data as the reference file, and SMM data as the source file. As can be seen in Rabianski's Tables 1-3, the ARC data (reference data) is actually a subset of the SMM data (source data) because the ARC data does not include forecast columns that the SMM data includes. Therefore, Rabianski has no need to teach or suggest "determining that the data source is not a subset of a reference file" as claimed by Applicants, which Rabianski never does.

Regarding the second difference noted above, Applicants claim "retrieving a sample quantity of household records included in the data source to analyze, wherein the sample quantity of household records **does not include** all of the plurality of household records included in the data source." In contrast, Rabianski never teaches or suggests retrieving a sample quantity of household records from the data source. In fact, Rabianski states:

"[The source data] have limited flexibility because they are based strictly on county-wide units and are unavailable for subcounty areas such as census tracts,

zip codes, or predetermined shapes focused on a particular area" (para. 6).

Therefore, since Rabianski's source data has limited flexibility, Rabianski does not teach or suggest retrieving a sample quantity of household records from the source data as claimed by Applicants.

Regarding the third difference noted above, Applicants claim "determining whether the data source is balanced, signifying that the sample quantity of household records represents the data source" and "adjusting the sample quantity of household records such that the adjusted sample quantity of household records is balanced and represents the data source." As discussed above, Rabianski does not teach or suggest retrieving a sample of the data source. Therefore, Rabianski never determines whether the data source is balanced as claimed by Applicants. Furthermore, since Rabianski never teaches or suggests determining whether the data source is balanced, Rabianski does not teach or suggest adjusting the sample in response to determining whether the data source is balanced as claimed by Applicants.

Therefore, since Rabianski does not teach or suggest, in whole or in part, all the limitations included in Applicants' claim 1 as amended, claim 1 is allowable over Rabianski. Claims 2-5 are dependent upon claim 1 and, therefore, are allowable for at least the same reasons as claim 1.

Claim Rejections - Alleged Obviousness Under 35 U.S.C. § 103

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabianski. Applicants respectfully traverse these rejections. Claims 6 and 7 each depend, directly

or indirectly, upon allowable independent claim 1 as discussed above. Therefore, claims 6 and 7 are each allowable for the same reasons as claim 1.

Claims 8-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabianski in view of Little (article, Auditing for Database Integrity). Applicants respectfully traverse these rejections.

Claim 8 as amended is an information handling system claim including the same limitations of amended claim 1. The Office Action uses Little to reject the "automation" portion of claim 8, but does not suggest that Little teaches or suggest any of the limitations of claim 8 that are the same as claim 1. Rather, the Office Action uses Rabianski to reject these limitations. As discussed above, Rabianski does not teach or suggest all the limitations of claim 1. Therefore, Rabianski does not teach or suggest all the limitations of claim 8 that are the same as claim 1. Since neither Rabianski nor Little teach or suggest all of the limitations included in Applicants' claim 8, claim 8 is allowable over Rabianski in view of Little. Claims 9-14 are each dependent upon claim 8 and, therefore, allowable for the same reasons as claim 8 discussed above.

Claim 15 as amended is a computer program product claim including similar limitations of amended claim 1. The Office Action uses Little to reject the "computer program" portion of claim 15, but does not suggest that Little teaches or suggest any of the limitations of claim 15 that are the same as claim 1. Rather, the Office Action uses Rabianski to reject these limitations. As discussed above, Rabianski does not teach or suggest all the limitations of claim 1. Therefore, Rabianski does not teach or suggest all the limitations of claim 15 that
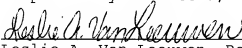
are the same as claim 1. Since neither Rabianski nor Little teach or suggest all of the limitations included in Applicants' claim 15, claim 15 is allowable over Rabianski in view of Little. Claims 16-20 are each dependent upon claim 15 and, therefore, allowable for the same reasons as claim 15 discussed above.

Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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